IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1033 /2001

PETITIONER : Rajesh Sharma, aged about 29 years, son of Radhe Shyam Sharma, resident of Ram Sagar Para, Raipur Chhattisgarh.

P.R. No. 1108/01 Received by Shri Rakhat Singh Dated 8/6/01

VERSUS

RESPONDENTS :

1. State of Chhattisgarh through Secretary, Co-operative Department, D.K.Bhawan, Raipur, C.G.

2. Registrar, Co-operative Societies, Raipur Chhattisgarh.

3. Joint Registrar, Co-operative Societies, Raipur, Chhattisgarh.

4. Deputy Registrar, Co-operative Societies, Raipur, C'Garh.

5. Assistant Registrar, Co-operative Societies , Raipur, Chhattisgarh.

6. Dewangan Vikas Bunkar Sahkari Samiti Maryadit, Tikra Para, Raipur, Chhattisgarh.

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION OR ANY OTHER WRIT, ORDER OR DIRECTIONS.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(53)

आदेश पत्रक

मामला क्रमांक W.P.1033/01 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.9.2001 :

Shri Rajiv Shrivastava for the petitioner.

Shri Deep Kesharwani for the State.

The grievance of the writ petitioner is that he has been illegally removed from the member-ship of Weav... Co-operative Society on the ground that he does not belong to the caste of weavers. It is not disputed that Registrar had issued an order on 26.2.99 (Annexure P-3) as regards qualifications of persons who could be accepted as the mem- bers of such co-operative society. It reads as under :-

> " Persons who are earning their livelihood through the profession of weaving or who are well versed and having the knowledge in the field of weaving are only entitled to be members of the society."

Two certificates have been annexed to the petition issued by the writ petitioner in training and Seminar programmes. Shri Rajiv Shrivastava submits that in view of his vast knowledge in the field of weaving there is absolutely no reason why the petitioner should be removed from the member-ship of such weaving co-operative society. The order was first issued by the Assistant Registrar. The petitioner appealed against the order issued by the Assistant Registrar before the Registrar on the ground

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that the Assistant Registrar is not comptent to pass such order. The Registrar however, accepted the view of the Assistant Registrar. The petitioner then approached the Co-operative Tribunal. Though the Tribunal has incorporated that the qualification of member-ship as issued by Registrar on 26.2.99 the view of Assistant Registrar was still accepted. Learned counsel for the petitioner submits that before the impugned order was issued by theAssistant Registrar,the writ petitioner was not given any notice nor was he given any opportunity of being heard. If that be so in my view the order of termination is unreasonable in as much as the writ petitioner had no opportunity of producing certificate which was in his possession testifying to the effect that he is well versed and has indeed a vast knowledge in the field of weaving which he has already demonstrated by imparting training to some members of some other societies.

In the facts and circumstances of the present case I am of the opinion that the competent authority should examine the qualification contained in the order issued by the Registrar on 26.2.99 (Annexure P-3) in the light of the certificate which shall be produced by the writ petitioner before theRegistrar. The Assistant Registrar shall issue notice to the writ petitioner to appear before him on a fixed date and proceed to decide the entire matter afresh on merit. The writ petitioner shall be given every opportunity of being heard. Consequently impugned order is set aside.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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J	Let the inquiry be concluded as early as possible and preferably within three months from the date of receipt of this order. Petition is thus disposed of. Sd/- Chief Justice	